To: City of Newport Beach Planning Commission

From: Norman J. Suker P.E.

Re: March 22, 2012 Public Hearing for the Newport Beach Banning Ranch Development DEIR

Dated: March 22, 2012

I object to the approval of the Newport Banning Ranch (NBR) project as proposed and request that all my comments be included in the records of any and all proceedings relating to the Newport Banning Ranch project or its successors.

1. I am a 25 year Newport Crest property owner and my townhouse abuts the Banning Ranch. My property has unobstructed ocean views from east of Catalina Island to Palos Verdes. This view had been protected by the Newport Beach General Plan Amendment 81-1 until the 2006 General Plan Update. I was not noticed or aware of this change. I only learned that the Amendment 81-1 had been omitted by the response to my DEIR comments for the Newport Banning Ranch. The proposed development will significantly impact my view. Please provide documentation that residents of Newport Crest were noticed regarding the elimination of Amendment 81-1.

2. Although I am currently licensed as a traffic engineer, civil engineer and real estate broker in the State of California and have been for about 40 years with experience in both the public (City Engineer and City Traffic Engineer) an private sectors, my comments are made as a private citizen.

3. OCTA has recently removed the 19th St Bridge from the Master Plan of Arterial Highways (MPAH). The City's General Plan Circulation Element needs to be amended to remove the 19th Street Bridge. Failure to remove the bridge will jeopardize Measure "M" funding. Since the DEIR is so voluminous, about 7,000 pages, the DEIR should be revised to eliminate all traffic analysis based upon the bridge being built. By removing the unnecessary traffic analysis, the DEIR pages will be reduced and made more understandable by the public.

4. In a telephone conversation with the Newport Beach City Traffic Engineer, I was informed that all traffic data collection and analysis in the City, including the NBR DEIR is performed in compliance with the City's Traffic Phasing Ordinance (TPO). In Appendix A of said Ordinance section 3.d.I states "The most current field counts for each Primary Intersection with counts taken on weekdays during the morning and evening Peak Hour Period between February 1 and May 31". The requirement for taking traffic counts only between February 1 and May 31 is not the industry standard, in fact it is the only agency that I am aware of that counts only in the said period. To be informative to the public, the DEIR should have a scenario of traffic analysis for the summer months in addition to the TPO months. It is obvious that traffic in the summer months, especially August and September, is much heavier that the TPO months. See Exhibit "A" attached from the Manual of Transportation Engineering Studies, 2nd Edition (latest edition) of the Institute of Transportation Engineers (ITE) shows an example of traffic at various times. I am a Life Fellow of ITE.

5. My November 8, 2011 comments regarding the Banning Ranch DEIR and the response to my comments are as follows:

Comment
Why has the 15th street Road connection to West Coast Highway been eliminated in the present plan since the impact of removing this road is to increase traffic next to our homes?

Response 1
The need for a second connection to West Coast Highway through the Project site (via the extension of 15th Street west of Bluff Road to West Coast Highway) was first studied as part of the City of Newport Beach General Plan Update, and was revisited as part of the Newport Banning Ranch Draft EIR. It was determined that the volume of traffic that would access West Coast Highway through the Project site (consisting of new traffic generated by the Project itself, plus traffic that would shift to Bluff Road from other existing roadways) could be accommodated by a single roadway connection

This response is non-responsive because it was based on the existence of the 19th Street bridge. The General Plan and th MPAH shows both roadways, 17th and Bluff Road connecting to West Pacific Coast highway. An alternative scenario of using only 15th (17th) street should be performed if only one roadway is necessary. This alternative roadway would be far west of Newport Crest and would have little impact of noise and lighting. This alternative roadway would provide for a better traffic signal spacing on West Pacific Coast highway (farther away from Superior Blvd). It would also eliminate the environmental issues that are associated with the proposed Bluff Road near West Pacific Coast highway .

6. An alternative scenario should also be conducted with the elimination of Bluff Road between 19th Street and Victoria St.. I had a recent conversation with Costa Mesa traffic staff who indicated that the City plans to request that this section of Bluff Road be removed from the MPAH (this section of roadway would be in the Talbert Park).

7. DEIR Exhibits 4.9-24 and 4.9-25 are the only graphics I found with roadway volumes and they assumed that the 19th St. Bridge was built. These exhibits need to be revised without the bridge showing TPO and summer traffic volumes. It is curious that Exhibit 4.9-24 shows a combined volume of (10,090 + 12,040) of 22,130 and Exhibit 4.9-25 shows Bluff Road with a volume of only 15,440. What happened to the other almost 7,000 vehicles?

8. The Project Trip Distribution Exhibit 4.9-7 needs to be revised to show the distribution without the 19th Street Bridge and Bluff Road north of 19th Street. The existing Exhibit 4.9-7 doesn't show any traffic from 19th Street to the SR55. This needs to be corrected.

9. Exhibit 4.9-21 indicates that the Bluff Road and West Pacific Coast highway intersection without the 19th Street Bridge would operate at LOS F in both the AM & PM. This would indicate that Bluff Road should not be built.

10. The proposed Bluff Road is planned to be about 20 feet from a Newport Crest home. Any

suggestion that double windows and air conditioning is a mitigation action is totally unreasonable. The owners of these homes which have existed for almost 30 years enjoyed the cool ocean breezes without the cost and noise of air-conditioning equipment. With energy costs rising, the electricity bill will only grow higher.

It is one thing for a developer to build next to an existing noisy roadway and include the double windows and air-conditioning. The buyers of his homes have a choice to buy or not. In the NBR example, the homes are there first and the builder wants to put a noisy roadway next to these homes. He has no authority to rehab the exiting homes and the only mitigation is to relocate the road away from the existing homes.

MANUAL OF TRANSPORTATION ENGINEERING STUDIES

2nd Edition

Bastian J. Schroeder, Ph.D.
Christopher M. Cunningham, P.E.
Daniel J. Findley, P.E.
Joseph E. Hummer, Ph.D., P.E.
Robert S. Foyle, P.E.

Institute of Transportation Engineers

EXHIBIT A-1

Exhibit 4-8. Illustrative Computation of Daily Variation Factors		
Day	Average Yearly Volume for Day (veh./day)	Daily Factor
Monday	1,332	1,429/1,332 = 1.07
Tuesday	1,275	1,429/1,275 = 1.12
Wednesday	1,289	1,429/1,289 = 1.11
Thursday	1,300	1,429/1,300 = 1.10
Friday	1,406	1,429/1,406 = 1.02
Saturday	1,588	1,429/1,588 = 0.90
Sunday	1,820	1,429/1,820 = 0.80
TOTAL = 10,000 vehicles ADT = 1,429 veh./day		

Source: McShane and Roess, 1990, p. 100.

The computation of seasonal or monthly variation factors follows a similar procedure. The ADT for each month is the monthly volume from the permanent-count station divided by the number of days in the month. The AADT is then computed as the average of the 12 monthly ADTs. The monthly adjustment factors are obtained by dividing each monthly ADT by the AADT. Exhibit 4-9 illustrates the computation of monthly variation factors. Daily and seasonal factors can be computed in a similar way from control-count data. Since control counts are samples rather than continuous counts, the margin for error is greater. However, carefully planned control counts will produce reliable estimates. For further discussion, see Roess, Prassas and McShane (2004).

Exhibit 4-9. Illustrative Computation of Monthly Variation Factors			
Month	Total Traffic (vehicles)	ADT for Month (veh./day)	Monthly Factors (AADT/ADT)
January	19,840	19,840/31 = 640	797/640 = 1.25
February	16,660	16,660/28 = 595	797/595 =1.34
March	21,235	21,235/31 = 685	797/685 =1.16
April	24,300	24,300/30 = 810	797/810 =0.98
May	25,855	25,855/31 = 835	797/835 =0.95
June	26,280	26,280/30 = 876	797/876 =0.91
July	27,652	27,652/31 =892	797/892 =0.89
August	30,008	30,008/31 =968	797/968 =0.82
September	28,620	28,620/30 =954	797/954 =0.84
October	26,350	26,350/31 =850	797/850 =0.94
November	22,290	22,290/30 =743	797/743 =1.07
December	21,731	21,731/31 =701	797/701 =1.14
TOTAL = 290,851 vehicles AADT = 290,851/365 = 797 vpd			

Source: McShane and Roess, 1990, p. 100.

EXHIBIT A-2